

# भारत का चारपत्र

## The Gazette of India

प्रतिधित

## EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 6]

दूसरे दिन, सोमवार, मार्च 1, 1993/फा गुन 10, 1914

No. 6]

NEW DELHI, MONDAY, MARCH 1, 1993/PHALGUNA 10, 1914

इस भाग में विभिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जाए

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on 1st March, 1993:—

## BILL NO. 13 OF 1993

A Bill further to amend the Wild Life (Protection) Act, 1972.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 1993.

Short title and commencement.

(2) It shall be deemed to have come into force on the 4th day of August, 1992.

Amendment of section 38H.

53 of 1972.

2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), in the proviso to sub-section (1) of section 38H, for the words "six months from the date of such commencement", the words "eighteen months from the date of such commencement" shall be substituted.

7 of 1993.

3. (1) The Wild Life (Protection) Amendment Ordinance, 1993 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

The Wild Life (Protection) Amendment Act, 1991 provided for several amendments in the Wild Life (Protection) Act, 1972, to make it more comprehensive and effective. Section 26 of the Amendment Act provided for insertion of a new Chapter IV A in the Act enabling the Central Government to set up a Central Zoo Authority for overseeing the functioning and management of the zoos in the country. Under new section 33H, it was provided that no zoo would be operated without being recognised by the Central Zoo Authority. The zoos that were being operated immediately before commencement of the Amendment Act were allowed to operate, provided they made an application for recognition to the Central Zoo Authority in the prescribed form on payment of prescribed fees within a period of six months from the date of such commencement. The aforesaid provisions were brought into force from 4th February 1992.

2. The recognition by the Central Zoo Authority could be granted only to such zoos which fulfilled minimum norms and standards of upkeep and maintenance to be notified by the Central Government. These norms and standards could not be notified before the 4th August, 1992 because of extensive consultations required to be undertaken with the State Governments and the Managements of zoos in the country. Therefore, no existing zoo could make an application for recognition within the period of six months which expired on the 4th August, 1992. In order to obviate this difficulty, the President promulgated the Wild Life (Protection) Amendment Ordinance, 1992, on the 23rd October, 1992 extending the period of six months under said section 33H to eighteen months with effect from 4th February, 1992.

3. The Wild Life (Protection) Amendment Bill, 1992 to replace the said Ordinance was introduced on the 27th November, 1992 in Lok Sabha in the Winter Session of Parliament but the same could not be passed during that session. As it was necessary to extend the period of registration of Zoos up to eighteen months, the President promulgated the Wild Life (Protection) Amendment Ordinance, 1993 on the 2nd January, 1993.

4. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

*The 18th February, 1993.*

KAMAL NATH

## BILL NO. 12 OF 1993

*A Bill further to amend the Indian Medical Council Act, 1956.*

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 1993.

Short title and commencement.

(2) It shall be deemed to have come into force on the 27th day of August, 1992.

2. After section 10 of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

Insertion of new sections 10A, 10B and 10C.

'10A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force,—

Permission for establishment of new medical college, new course of study, etc.

(a) no person shall establish a medical college; or

(b) no medical college shall—

(i) open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification; or

(ii) increase its admission capacity in any course of study or training (including a post-graduate course of study or training),

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

*Explanation 1.*—For the purposes of this section, “person” includes any University or a trust but does not include the Central Government.

*Explanation 2.*—For the purposes of this section, “admission capacity”, in relation to any course of study or training (including post-graduate course of study or training) in a medical college, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2) (a) Every person or medical college shall, for the purpose of obtaining permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of clause (b) and the Central Government shall refer the scheme to the Council for its recommendations.

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme by the Council under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person or the medical college concerned, and thereafter, it may,—

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or college concerned for making a written representation and it shall be open to such person or medical college to rectify the defects, if any, specified by the Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (7), and submit the scheme together with its recommendations thereon to the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or college concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Central Government except after giving the person or college concerned a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person or medical college whose scheme has not been approved by the Central Government to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (2).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order passed by the Central Government has been communicated to the person or college submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it had been submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time-limit specified in sub-section (5), the time taken by the person or college concerned submitting the scheme, in furnishing any particulars called for by the Council, or by the Central Government, shall be excluded.

(7) The Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order, either approving or disapproving the scheme under sub-section (4) shall have due regard to the following factors, namely:—

(a) whether the proposed medical college or the existing medical college seeking to open a new or higher course of study or training, would be in a position to offer the minimum of standards of medical education as prescribed by the Council under section 19A, or as the case may be, under section 20 in the case of post-graduate medical education;

(b) whether the person seeking to establish a medical college or the existing medical college seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;

(c) whether necessary facilities in respect of staff, equipment accommodation, training and other facilities to ensure proper functioning of the medical college or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(d) whether adequate hospital facilities, having regard to the number of students likely to attend such medical college or course of study or training or as a result of the increased admission capacity, have been provided or would be provided within the time-limit specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such medical college or course of study or training by persons having the recognised medical qualifications;

(f) the requirement of manpower in the field of practice of medicine; and

(g) any other factors as may be prescribed.

(8) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or college concerned.

Non-recognition of medical qualifications in certain cases.

10B. (1) Where any medical college is established except with the previous permission of the Central Government in accordance with the provisions of section 10A, no medical qualification granted to any student of such medical college shall be a recognised medical qualification for the purposes of this Act.

(2) Where any medical college opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no medical qualification granted to any student of such medical college on the basis of such study or training shall be a recognised medical qualification for the purposes of this Act.

(3) Where any medical college increases its admission capacity in any course of study or training except with the previous permission of the Central Government in accordance with the provisions of section 10A, no medical qualification granted to any student of such medical college on the basis of the increase in its admission capacity shall be a recognised medical qualification for the purposes of this Act.

*Explanation.*—For the purposes of this section, the criteria for identifying a student who has been granted a medical qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

Time for seeking permission for certain existing medical colleges etc.

10C. (1) If, after the 1st day of June, 1992 and on and before the commencement of the Indian Medical Council (Amendment) Act, 1993 any person has established a medical college or any medical college has opened a new or higher course of study or training or increase the admission capacity, such person or medical college, as the case may be, shall seek, within a period of one year from the commencement of the Indian Medical Council (Amendment) Act, 1993, the permission of the Central Government in accordance with the provisions of section 10A.

(2) If any person or medical college, as the case may be, fails to seek the permission under sub-section (1) the provisions of section 10B shall apply, so far as may be, as if, permission of the Central Government under section 10A has been refused.

3. In section 33 of the principal Act, after clause (f) the following clauses shall be inserted, namely:—

Amend-  
ment of  
section  
33.

“(fa) the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A;

(fb) any other factors under clause (g) of sub-section (7) of section 10A;

(fc) the criteria for identifying a student who has been granted a medical qualification referred to in the Explanation to sub-section (3) of section 10B.”.

Ord.  
2 of 1993.

4. (1) The Indian Medical Council (Amendment) Ordinance, 1993 is hereby repealed.

Repeal  
and Saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

The Indian Medical Council, Act, 1956 was enacted for the purpose of reconstituting the Medical Council of India and the maintenance of the Medical Register for India and for matters connected therewith.

2. The experience of the working of the 1956 Act had brought to light certain inadequacies. The Central Government had introduced a comprehensive Bill to amend the 1956 Act in Rajya Sabha on the 26th August, 1987. The Bill was referred to a Joint Committee in December, 1987 and the Joint Committee submitted its report in 1989 recommending further amendments to the Bill. The matter could not be processed further due to dissolution of the Lok Sabha and change in Government. However, by early 1992 it became necessary to reconsider some of the recommendations contained in the Joint Committee's Report keeping in view the current requirements of medical education. While the matter was in an advanced stage of consideration, the Supreme Court of India in the judgment in *Mohini Jain Vs. Government of Karnataka* on 30th July, 1992, held that educational institutions cannot charge capitation fee and that education, including higher education, is a fundamental right. A number of private institutions have challenged the above-mentioned judgment and sought a review by the Constitution Bench of the Supreme Court. The Supreme Court of India have since pronounced the judgement on 4th February, 1993. The implications of the judgment will have to be studied. In the circumstances, Government, has, therefore considered it advisable not to proceed with the 1987 Bill as many of the matters covered by the Bill will become subject of review by the Supreme Court.

3. Meanwhile, it had been noticed that some State Governments were giving approvals for the opening of new medical colleges on their own, without insisting on the provision of basic prerequisites of hospital, equipment, laboratories or qualified faculty members, etc. In certain cases, after the colleges gave admission to students they began exercising the combined pressure of the management students and their families for grant of approval to the medical colleges by the Medical Council of India.

4. In order to curb such mushroom growth of medical colleges, the President promulgated the Indian Medical Council (Amendment) Ordinance, 1992 (Ord. 13 of 1992) on the 27th August, 1992 to amend the Indian Medical Council Act, 1956 by incorporating therein provisions for prior permission of the Central Government for establishing any new medical college and for starting any new or higher courses of study or increasing admission capacity in any course of study or training including, post graduate course of study in any existing medical college.

5. A Bill to replace the Indian Medical Council (Amendment) Ordinance, 1992 was introduced in the Rajya Sabha during Winter Session of Parliament, 1992. The Bill was passed by the Rajya Sabha on 22nd December, 1992. However, the Bill could not be considered and passed by the Lok Sabha.

6. The Government is of the considered view that it is in the public interest that the provisions of the said Ordinance should continue in force. To achieve the above objective the Indian Medical Council (Amendment) Ordinance, 1993 (Ord. 2 of 1993) was promulgated by the President on 2nd January, 1993.

7. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

B. SHANKARANAND.

*The 16th February, 1993.*

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 seeks to insert new section 10A to 10C Clause (b) of sub-section (2) of new section 10A empowers the Medical Council of India to frame regulations for prescribing the form of the Scheme, the particulars to be given in such scheme and the manner in which the scheme shall be submitted to the Government and also the fets which should accompany the said schemes etc.

2. *Explanation* to sub-section (3) of new section 10B empowers the Medical Council of India to frame regulations to prescribe the criteria for identifying a student who has been granted the medical qualification on the basis of increase in the admission capacity in any course of study or training which has been done without the previous permission of the Central Government.

3. The matters in respect of which the regulations may be made pertain to matters of detail and procedure. The delegation of legislative power is, therefore, normal in character.

## BILL No. 11 OF 1993

*A Bill further to amend the Dentists Act, 1948.*

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Dentists (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 27th day of August, 1992.

10 of 1948. 2. After section 10 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

Short title and commencement.

Insertion of new sections 10A, 10B and 10C.

‘10A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force,—

(a) no person shall establish an authority or institution for a course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the grant of recognised dental qualification; or

Permission for establishment of new dental college, new courses of study, etc.

(b) no authority or institution conducting a course of study or training (including a post-graduate course of study or training) for grant of recognised dental qualification shall—

(i) open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised dental qualification; or

(ii) increase its admission capacity in any course of study or training (including a post-graduate course of study or training),

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

*Explanation 1.*—For the purposes of this section, “person” includes any University or a trust but does not include the Central Government.

*Explanation 2.*—For the purposes of this section, “admission capacity”, in relation to any course of study or training (including a post-graduate course of study or training) in an authority or institution granting recognised dental qualification, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2) (a) Every person, authority or institution granting recognised dental qualification shall, for the purpose of obtaining permission in accordance with the provisions of clause (b) and the Central Government shall refer to the said scheme to the Council for its recommendations.

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme by the Council under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person, authority or institution concerned, granting recognised dental qualification and thereafter, it may,—

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person, authority or institution concerned for making a written representation and it shall be open to such person, authority or institution to rectify the defects, if any, specified by the Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (7), and submit the scheme together with its recommendations thereon to the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3), and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person, authority or institution concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Central Government except after giving the person, authority or institution concerned granting recognised dental qualification a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person, authority or institution whose scheme has not been approved to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (2).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order passed by the Central Government has been communicated to the person, authority or institution submitting the scheme, such scheme shall be deemed to have been approved by the Central Government, in the form in which it had been submitted, and accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time-limit specified in sub-section (5), the time taken by the person, authority or institution concerned submitting the scheme in furnishing any particulars called for by the Council or by the Central Government, shall be excluded.

(7) The Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government, while passing an order either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:—

(a) whether the proposed authority or institution for grant of recognised dental qualification or the existing authority or institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of dental education in conformity with the requirements referred to in section 16A and the regulations made under sub-section (7) of section 20;

(b) whether the person seeking to establish an authority or institution or the existing authority or institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the authority or institution or conducting

the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(d) whether adequate hospital facilities, having regard to the number of students likely to attend such authority or institution or course of study or training or as a result of the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such authority or institution or course of study or training by persons having the recognised dental qualifications;

(f) the requirement of manpower in the field of practice of dentistry; and

(g) any other factors as may be prescribed.

(8) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person, authority or institution concerned.

Non-  
recognition  
of dental  
qualifica-  
tions in  
certain  
cases.

10B. (1) Where any authority or institution is established for grant of recognised dental qualification except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution shall be a recognised dental qualification for the purposes of this Act.

(2) Where any authority or institution granting recognised dental qualification opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of such study or training shall be a recognised dental qualification for the purposes of this Act.

(3) Where any authority or institution granting recognised dental qualification increases its admission capacity in any course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of the increase in its admission capacity shall be a recognised dental qualification for the purposes of this Act.

*Explanation.*—For the purposes of this section, the criteria for identifying a student who has been granted a dental qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

10C. (1) If, after the 1st day of June, 1992 and on and before the commencement of the Dentists (Amendment) Act, 1993 any person has established an authority or institution for grant of recognised dental qualification or any authority or institution granting recognised dental qualification has opened a new or higher course of study or training (including a post-graduate course of study or training) or increased its admission capacity, such person, authority or institution as the case may be, shall seek, within a period of one year from the commencement of the Dentists (Amendment) Act, 1993, the permission of the Central Government in accordance with the provisions of section 10A.

Time for seeking permission for certain existing authorities.

(2) If any person or, as the case may be, any authority or institution granting recognised dental qualification fails to seek the permission under sub-section (1), the provisions of section 10B shall apply, so far as may be, as if permission of the Central Government under section 10A has been refused.'

3. In section 20 of the principal Act, in sub-section (2), after clause (f), the following clauses shall be inserted, namely:—

Amend-  
ment of  
section  
20.

"(fa) prescribe the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A;

(fb) prescribe any other factors under clause (g) of sub-section (7) of section 10A;

(fc) prescribe the criteria for identifying a student who has been granted a dental qualification referred to in the *Explanation* to sub-section (3) of section 10B."

Ord. 3  
of 1993.

4. (1) The Dentists (Amendment) Ordinance, 1993 is hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

### STATEMENT OF OBJECTS AND REASONS

The Dentists Act, 1948 was enacted with the object of regulating the profession of dentistry and for that purpose to constitute Dental Council.

2. The experience of the working of the Act has brought to light certain inadequacies. One of the most noticeable inadequacies has been the mushrooming of dental colleges without adequate academic and training facilities as laid down in the regulations of the Dental Council of India. At present, the law does not require anyone to seek the prior permission of the Dental Council of India before establishing a new dental college or for adding a new course of study or post-graduate course or for increasing the capacity of students in any existing college. Taking advantage of these legal lacunae, Dental Colleges were being established after obtaining the permission of the State Government and affiliation from the University concerned. After the students had put in two or three years of study, such college were approaching the Dental Council of India for recognition. The Dental Council of India is not in a position to stop the functioning of such colleges at that stage as such a step would invariably harm the future prospects of the students and result in allegations of victimisation.

3. The Dental Council of India has been examining modifications in the Act to enable the Council to discharge its duties more effectively and exercise better control on the maintenance of standards at the instance of the Central Government. In the meantime, instances of private colleges being permitted to start Dental Courses by State Governments without making provision for the requisite infrastructural facilities, necessitated urgent action to be taken to check further proliferation. The President, therefore, promulgated the Dentists (Amendment) Ordinance, 1992 on the 27th August, 1992 to amend the Dentists Act, 1948 by incorporating therein provisions for prior permission of the Central Government for establishing any new Dental College and for starting any new or higher course of study or training or increase in the admission capacity in any existing college. Any person desirous of starting a new dental college, etc., will hereafter be required to apply to the Central Government in the prescribed form through the Dental Council of India.

4. A Bill to replace the Dentists (Amendment) Ordinance, 1992 was introduced in the Rajya Sabha during Winter Session of Parliament 1992 and the Bill was passed by the Rajya Sabha on "22nd December, 1992." However, the Bill could not be considered and passed by the Lok Sabha.

5. The Government is of the considered view that it is in the public interest that the provisions of the said Ordinance should continue in force. Therefore, to achieve the above objective the Dentists (Amendment) Ordinance, 1993 (Ord. 3 of 1993) was promulgated by the President on 2nd January, 1993.

6. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

B. SHANKARANAND.

*The 10th February, 1993.*

### MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill seeks the insertion of sections 10A to 10C after section 10 of the principal Act. Clause (b) of sub-section (2) of section 10A empowers the Dental Council of India to frame regulations or prescribing the form and the manner in which schemes shall be submitted to the Central Government and also the fees which should accompany such a scheme.

2 *Explanation* to sub-section (3) of section 10B empowers the Dental Council to prescribe regulations for identifying the students who have been granted a dental qualification on the basis of increase in the admission capacity in terms of sub-section (3) of section 10B.

3. The matters in respect of which the regulations may be made pertain to matters of detail and procedure. The delegation of legislative power is, therefore, normal in character.

## BILL NO. 14 OF 1993

*A Bill further to amend the Oilfields (Regulation and Development) Act, 1948.*

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Oilfields (Regulation and Development) Amendment Act, 1993.

(2) It shall be deemed to have come into force on the 30th day of January, 1993.

2. In section 6A of the Oilfields (Regulation and Development) Act, 1948, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-section (4) the Central Government may, by notification in the Official Gazette, amend the Schedule so as to enhance the rate of royalty payable in respect of mineral oil, produced during the period beginning on the 1st day of April, 1990 and ending on the 31st day of March, 1993, to 24.52 per cent. of the sale price of mineral oil at the oilfields or the oil wellhead, as the case may be.”

3. (1) The Oilfields (Regulation and Development) Amendment Ordinance, 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

### STATEMENT OF OBJECTS AND REASONS

Section 6A (4) of the Oilfields (Regulation and Development) Act, 1948 empowers the Central Government to amend the Schedule, by notification, so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral oil with effect from such date as may be specified in the notification: provided that the rate of royalty in respect of any mineral oil shall not be fixed so as to exceed twenty per cent of the sale price of the mineral oil at the oilfields or the well-head, as the case may be, or enhance the rate of royalty in respect of any mineral oil more than once during any period of three years.

2. Government had taken a decision on 21st December, 1990 to revise the rate of royalty for crude oil for the period 1.4.1987 to 31.3.1990 to Rs. 314/MT and to set up a committee to examine the issue of fixation of the rate of royalty for the period beyond 31.3.1990. Accordingly, a two-member committee headed by Shri V. B. Eswaran was set up on 9th April, 1991. The Committee submitted its report in October, 1991. The recommendations of the Eswaran Committee were considered by the Government and it was decided to fix a rate of royalty of Rs. 481/MT of crude oil and casing-head condensate for the period 1.4.1990 to 31.3.1993 by amending the provisions of section 6A of the Oilfields (Regulation and Development) Act, 1948.

3. As Parliament was not in session and immediate action was necessary, section 6A(4) was amended by way of inserting new sub-section (5) through promulgation of the Oilfields (Regulation and Development) Amendment Ordinance, 1993 by the President on the 30th January, 1993 to empower the Central Government to amend the Schedule to the principal Act so as to enhance the rate of royalty payable in respect of crude oil, produced during the period beginning on the 1st day of April, 1990 and ending on the 31st day of March, 1993 to 24.52 per cent of the sale price of crude oil at the oilfields or the oil well-head, as the case may be.

4. However, the intention of the Government was to enhance the rate of mineral oil (which includes crude oil and casing-head condensate) and not crude oil alone. Clause 2 of the Bill has, therefore, been modified to enhance the rate of royalty on mineral oil produced at the oilfields or the oil well-head for the period beginning on the 1st day of April, 1990 and ending on the 31st day of March, 1993.

5. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

*The 17th February, 1993.*

SATISH SHARMA.

**PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 274 OF THE CONSTITUTION OF INDIA**

[Copy of letter O-22013/3/91-ONG/D. III, dated the 18th February, 1993 from Capt. Satish Sharma, Minister of State of the Ministry of Petroleum and Natural Gas to the Secretary-General, Lok Sabha.]

The President having been informed of the subject-matter of the Bill to replace the Oilfields (Regulation and Development) Amendment Ordinance, 1993 (No. 19 of 1993) recommends the introduction of the Bill in Lok Sabha under article 117(1) and 274(1) of the Constitution.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Section 2 of the Bill seeks to insert a new sub-section (5) in section 6A of the Oilfields (Regulation and Development) Act, 1948 to empower the Central Government to amend the Schedule to the principal Act, by notification, so as to enhance the rate of royalty payable in respect of mineral oil, produced during the period beginning on the 1st day of April, 1990 and ending on the 31st day of March, 1993, to 24.52 per cent. of the sale price of mineral oil at the oilfields or the oil well-head, as the case may be.

2. The delegation of legislative power is of a normal character.

C. K. JAIN,  
*Secretary-General.*